

UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

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In the Matter of: :
NORTHRIDGE CONSTRUCTION CORP. :
OSHA Inspection No. 1365467 :
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Westbury, New York

Friday, March 29, 2019

Deposition of

TIMOTHY KAYWOOD

a witness, called for examination by counsel for
Agency, pursuant to notice and agreement of
counsel, beginning at approximately at 3:27 p.m.,
at 1400 Old Country Road, Westbury, New York, New
York, before Michele Moskowitz of Anderson Court
Reporting, notary public in and for the State of
New York, when were present on behalf of the
parties:

1 during that day?

2 A No.

3 Q Was there work taking place when you
4 stopped by?

5 A No.

6 Q So I want to turn to the incident. I
7 appreciate you weren't on site at the time, but
8 I'm going to ask about what you do know about what
9 happened and what you learned happened that day.

10 A Okay.

11 Q And I appreciate that this might be
12 difficult to talk about.

13 A A hundred percent it is.

14 Q So if you need to take a break at any
15 time, just let me know, okay?

16 A Yes.

17 Q When did you first hear about the
18 incident?

19 A Roughly in mid afternoon on Saturday.

20 Q And how did you find out?

21 A I received a frantic phone call from one
22 of my employees.

1 Q Do you remember who?

2 A I don't remember who it was now.

3 Q Did Mr. Zaggar call you?

4 A No.

5 Q Was it somebody who was present during
6 the incident who called you?

7 A No, it wasn't. I believe it was
8 somebody who was inside my office at the time.

9 Q Was your office open on Saturday,
10 December 8, 2018?

11 A There were people there.

12 Q People doing work?

13 A Yes.

14 Q People doing office work?

15 A No.

16 Q People doing what kind of work?

17 A OSHA safety training.

18 Q They were holding an OSHA safety
19 training?

20 A Yup.

21 Q Who was? Who was leading it?

22 A Miguel.

1 Q So was it somebody who was at the office
2 for the OSHA safety training that called you?

3 A No. I think it was one of my office
4 managers, other office managers. I can't remember
5 who. I don't remember.

6 Q But they were present at the office at
7 the time of the incident?

8 A I don't know if they were or not, but
9 I'm not sure they were because they told me there
10 was an accident.

11 Q Okay. What did they tell you?

12 A They told me somebody was hurt and that
13 was it. I rushed to the office.

14 Q That was all they told you, someone was
15 hurt?

16 A Yup.

17 Q They didn't say anything else?

18 A I can't remember.

19 Q Did you ask?

20 A I didn't believe it at first.

21 Q You didn't believe that someone had been
22 hurt?

1 A Yes.

2 Q Expand on that.

3 A I was in disbelief that something
4 happened, so basically they were kind of frantic
5 so I just hung -- I just rushed to the office to
6 see what was going on.

7 Q Did you ask them what happened?

8 A I can't remember exactly what I talked
9 about at that time.

10 Q Do you have anything that you remember
11 about this conversation?

12 A Somebody calling me saying somebody was
13 hurt badly and that I should come to the office
14 and I came to the office.

15 Q Did they specify that the person who had
16 been hurt was working on the project in the yard
17 behind the office?

18 A I don't think so, but I assume that that
19 was the only people working.

20 Q Because it was Saturday?

21 A Yeah.

22 Q So you assumed that it was -- it

1 involved the project at the shed?

2 A Yes.

3 Q Do you recall -- so at that point you
4 rushed to the worksite?

5 A Yes.

6 Q When you arrived at the worksite, what
7 was -- can you describe the scene to me?

8 A The police were there and Mr. Cook was
9 already transported to the hospital.

10 Q He was gone by the time you arrived?

11 A Yes.

12 Q Okay. But the police were there?

13 A Yes.

14 Q Did you speak with the police?

15 A Briefly.

16 Q What did you talk to the police about?

17 A I don't remember exactly. It was pretty
18 traumatic, you know.

19 Q I appreciate that.

20 A I don't remember.

21 Q Do you remember anything that the police
22 asked you?